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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,557	11/27/2001	Sanjeev Sharma	CM2478M	8739

27752 7590 02/07/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

KORNAKOV, MICHAIL

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,557

Applicant(s)

SHARMA ET AL.

Examiner

Mikhail Kornakov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 08/15/2005.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/05/06 has been entered.

2. Previous rejection under 35 U.S.C. 112, first paragraph is withdrawn in light of Applicants amendments and Affidavit under 37 CFR 1.132.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 3, 6, 8, 9, 10, 15-22, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al (U.S. 4,115,292) in view of Anderson et al (U.S. 4,776,455).

With regard to claims 1, 19, 20, 22 Richardson discloses a method for using detergent articles in automatic dishwasher comprising contacting the subjects to be washed with a detergent (Example IX, col.23) that consists of two pads, wherein an enzyme (detergent auxiliary of the instant claim 1) is enclosed in an inner water soluble film carrier (reads on one compartment of multi-compartment pouch of claim 1), and a

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detergent (automatic dishwashing product of the instant claim 2) is enclosed in an outer water soluble film pocket (reads on another separate compartment of multi-compartment pouch of the instant claim 1) (abstract, see especially Example XVI in col.23, 24). In Example XVI Inner and outer pockets are made from the same water soluble material. Thus, the structure provides for a ***pouch comprising water soluble material***, having ***two compartments*** (inner and outer pockets made of the same water soluble material), and ***having a barrier***, which is defined by the boundaries of the inner packet. Thus, the limitations of the pouch structure are met by Richardson.

The outer and inner packets can be made according to Richardson from different water soluble materials, which inherently provides for their different rates of solubility under given temperature conditions, and thus meets the limitations of claim 15. A detergent composition is solid particulate, in granular, viscous liquid, paste or gel form (col.10, lines 32-36). With regard to claims 8, 9, 10 Richardson teaches that the inner compartment in addition to the detergent auxiliary contains 10- 30% of plasticizer, which is selected from ***glycols*** (the auxiliary elected by applicants), glycerol, sorbitol, triethanolamine and mixtures thereof (col.7, lines 44-68, col.8, lines 1-14, claims 21, 22 in col.29). With regard to claim 16, Richardson teaches that the detergent composition contains ionic, nonionic or other types of surfactants (col.10, lines 37-45).

The difference between the instant claim 1 and the new claims 20 and 22 is the anhydrous liquid” vs. “liquid”, wherein the “liquid” of claims 20 and 22 is allowed to be either anhydrous or not. Therefore, the rationale applied for the rejection of claims 1 and

19 is fully attributed to the rejection of claims 20 and 22. The limitations of claim 21 are discussed in col.10, lines 32-36 of Richardson.

With regard to the process steps (2), as per instant claims 1, 19 and 20, and step (3) of claim 22 Richardson teaches that the detergent article (made as discussed above) is placed in the detergent dispenser cup of an automatic dishwasher, and dirty dishes and tableware are washed with it. The dishes and tableware are clean after the completion of the dishwasher cycle, and there is no residue of the paste or the packet remaining in the dispenser cup or on the inside of the dishwasher (see col. 23, lines 5-11). Thus, the steps of the instantly claimed process are performed by Richardson.

Richardson does not specify the position of two compartments as being adjacent or above one another.

Anderson discloses multi-compartment sachet product for delivering treatment agents to the washing machine or dishwasher comprising a first compartment capable of releasing its contents (solid or liquid) within 3 minutes from the start of the wash process, and a second compartment of water-permeable material provided with a pore-occluding coating and/or in the form of a sachet. Anderson equally discloses at least two types of multi-compartment pouch, one wherein sachet contains a first compartment, and an adjacent second compartment separated from the first by non-opening seal (reads on barrier) (see col.4, lines 13-19). **Alternatively or additionally,** the sachet can be enclosed within another sachet compartment of porous water-permeable material. This other sachet compartment may simply be the first

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compartment; the second compartment (inner sachet) is then located, together with the first treatment agent, in the first compartment (outer sachet) (col.4, lines 20-30).

Thus, Anderson equally discloses as equivalents a construction, as disclosed by Applicants in one embodiments in the specification, (on which applicants rely in their rebuttal), and a structure as disclosed in Richardson. In the instant case substitution of equivalents requires no express motivation, as long as the prior art recognizes equivalency, *In re Fount* 213 USPQ 532 (CCPA 1982); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *Graver Tank & Mfg. Co. Inc. V. Linde Air products Co.* 85 USPQ 328 (USSC 1950). Therefore, those skilled in the art would have found obvious to use either one of constructions of Anderson (one is equivalent to Richardson and one is the same as claimed) for the pouch, motivated by their recognized equivalency in the prior art, and will thus arrive at the claimed subject matter. With regard to claims 23 and 24 the location of compartments such that one is above the other, is mere a design choice and would be obvious to those skilled in the art.

Response to Arguments

6. Applicant's arguments filed 11/17/2005 have been fully considered but they are not persuasive. Applicants' argument resides in contention that the combination of Richardson and Anderson does not teach the steps of the claimed process. This is not found persuasive, because the steps of the process per se are taught by Richardson, as discussed above. Applicants' attention is drawn to col.23, lines

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5-11, wherein the steps of contacting the pouch with tableware in a washing cycle is described. The reference to Anderson is employed to provide for the equivalent use of different compartment arrangements in the art.

It is further noted that the method of making a pouch that is used in the claimed method of washing dishware by using this pouch, is irrelevant, as soon as the pouch per se is anticipated or suggested by Richardson, consult *In re Thorpe*, 227 USPQ 964 (CAFC 1985).

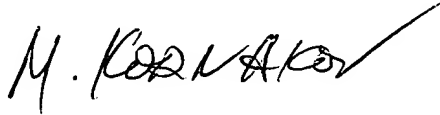
Applicants are further advised that since *no drawings are presented* with regard to the pouch structure, which Applicants regard as a major difference, compare to the prior art, the pouch structure is given it's broadest reasonable interpretation consistent with the claim language, namely: a)having at least two compartments and b) having a barrier layer formed by the pouch material. These limitations are present in Richardson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mikhail Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 271-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Kornakov", with a long, sweeping horizontal stroke extending to the right.

Mikhail Kornakov
Primary Examiner
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February 5, 2006